

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PETER WIELAND,

Plaintiff,

v.

GAVIN NEWSOM, et al.,

Defendants.

No. 2:23-cv-00257-DAD-CKD (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION DUE TO PLAINTIFF'S FAILURE
TO PROSECUTE

(Doc. No. 6)

Plaintiff Peter Wieland is a state prisoner proceeding with counsel in this action. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 29, 2024, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed, without prejudice, due to plaintiff's failure to prosecute this action. (Doc. No. 6.) In particular, on March 20, 2024, the undersigned adopted the July 27, 2023 findings and recommendations to the extent that they recommended dismissing plaintiff's complaint, but granted plaintiff thirty days from the date of service of that order to file an amended complaint. (Doc. No. 5 at 3.) To date, plaintiff has not filed an amended complaint or otherwise communicated with the court. Accordingly, the pending findings and recommendations were served on plaintiff and contained notice that any objections thereto were

1 to be filed within fourteen (14) days after service. (Doc. No. 6 at 1.) To date, no objections to the
2 findings and recommendations have been filed, and the time in which to do so has now passed.

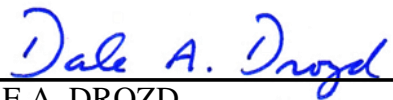
3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
4 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
5 findings and recommendations are supported by the record and by proper analysis.

6 Accordingly:

- 7 1. The findings and recommendations issued on April 29, 2024 (Doc. No. 6) are
8 adopted in full;
- 9 2. This action is dismissed, without prejudice, due to plaintiff's failure to prosecute
10 this action; and
- 11 3. The Clerk of the Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: June 5, 2024

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15 DALE A. DROZD
16 UNITED STATES DISTRICT JUDGE
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